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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

ALVARO JIMENEZ,

Plaintiff,

vs.

SLM PRIVATE EDUCATION STUDENT
 LOAN TRUST 2011-A, et al.

Defendants.

) Case No. 4:17-cv-01624-KAW

) **STIPULATION AND ~~PROPOSED~~ ORDER**
) **TO STAY PROCEEDINGS** AS MODIFIED

) Judge: Kandis A. Westmore

Stipulation and ~~Proposed~~ Order

Case No. 4:17-cv-01624-KAW

1 **WHEREAS**, on March 24, 2017, Plaintiff Alvaro Jimenez filed a complaint in this action
 2 against Defendants SLM Private Education Loan Trust 2011 -A (SLM), the Law Offices of Harris &
 3 Zide (H&Z), Mr. Flint C. Zide, and Does 1-10, alleging that, by filing a debt-collection action against
 4 the plaintiff in California state court, defendants H&Z and Zide violated the federal Fair Debt Collection
 5 Practices Act, 15 U.S.C. § 1692 *et seq.*, and defendants SLM and H&Z violated California's Rosenthal
 6 Fair Debt Collection Practices Act, Cal. Civ. Code § 1788 *et seq.*;

7 **WHEREAS**, the state-court action cited in the complaint is *SLM Private Education Student*
 8 *Loan Trust 2011-A v. Jimenez, et al.*, Case No. CLJ 537908, which was filed in the Superior Court of
 9 San Mateo County on March 24, 2016, and remains pending;

10 **WHEREAS**, on August 9, 2017, the Court ordered the plaintiff and SLM to file supplemental
 11 briefs addressing, among other issues, whether the Court should abstain from deciding this case in
 12 accordance with *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976), in
 13 light of the pending state-court action, due to the overlapping nature of the claims and issues presented
 14 and to prevent duplicative litigation in the state and federal courts;

15 **WHEREAS**, on August 23, 2017, the Court ordered the parties to meet and confer regarding the
 16 possibility of stipulating to a stay of this case pending resolution of the state-court action;

17 **WHEREAS**, the parties met and conferred on August 28, 2017, and agree that the issues and
 18 claims presented by this action overlap with those presented in the pending state-court action, and that a
 19 stay of these proceedings is warranted as a final decision in the pending state-court action may resolve
 20 the claims presented here;

21 **WHEREAS**, the parties therefore agree that a stay of this action pending a final decision in the
 22 state-court action would serve the interests of justice, efficiency, and judicial economy;

23 **NOW, THEREFORE, BASED ON THE FOREGOING FACTS, THE PARTIES HEREBY**
 24 **STIPULATE THAT:**

- 25 (1) This action shall be stayed pending a final resolution of the California state-court
 26 action entitled *SLM Private Education Student Loan Trust 2011-A v. Jimenez, et al.*,
 27 Case No. CLJ 537908;

(2) The plaintiff agrees to file a status report with the Court within seven days after the final resolution of the state-court matter to advise the Court of the resolution.

IT IS SO STIPULATED.

DATED: August 30, 2017

FOLEY & LARDNER LLP

/s/ Jason Y. Wu

Jason Y. Wu

*Attorneys for Defendant SLM PRIVATE
EDUCATION LOAN TRUST 2011-A*

DATED: August 30, 2017

LAW OFFICES OF HARRIS & ZIDE

/s/ Flint C. Zide

Flint C. Zide

*Attorneys for Defendants Law Offices of Harris & Zide
and Flint C. Zide*

DATED: August 30, 2017

/s/ James A. Michel

James A. Michel

Attorney for Plaintiff Alvaro Jimenez

DECLARATION OF CONSENT

The undersigned filer attests, pursuant to Civil L.R. 5-1(i)(3), that the concurrence in the filing of this document has been obtained from the other signatories to the document.

DATED: August 30, 2017

/s/ Jason Y. Wu

Jason Y. Wu

~~[PROPOSED]~~ ORDER

Pursuant to the foregoing stipulation of the parties, good cause appearing therefor, this action is hereby stayed pending a final resolution of the state-court matter before the Superior Court of San Mateo County, California entitled *SLM Private Education Student Loan Trust 2011-A v. Jimenez, et al.*, Case No. CLJ 537908. Plaintiff shall file a status report with the Court within seven days after the final resolution of the state-court matter to advise the Court of the resolution.

In light of the stay, Defendant SLM's motion to dismiss (Dkt. No. 23) and Plaintiff's motion to extend time to serve (Dkt. No. 28) are terminated.

IT IS SO ORDERED.

DATED: August 30, 2017


KANDIS A. WESTMORE
MAGISTRATE JUDGE